

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ROBERT WASHINGTON	:	CIVIL ACTION
	:	
v.	:	
	:	
ATTORNEY GENERAL OF THE STATE	:	
OF PENNSYLVANIA, et al	:	NO. 09-5115

ORDER

AND NOW, this 2nd day of May, 2011, upon careful and independent consideration of Robert Washington's petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 (docket entry # 1), the defendants' response thereto (docket entry # 16), the Report and Recommendation of United States Magistrate Judge Linda K. Caracappa (docket entry # 17), and the Court finding that it agrees with Judge Caracappa's conclusions Washington's claims are procedurally defaulted, it is hereby ORDERED that:

1. The Clerk of Court shall TRANSFER this case from our Civil Suspense docket to our Active docket for final disposition;
2. The Report and Recommendation is APPROVED and ADOPTED;
3. The petition for habeas corpus pursuant to 28 U.S.C. § 2254 (docket entry # 1) is DENIED;

4. Washington having failed to make a substantial showing of the denial of a constitutional right, we DECLINE to issue a certificate of appealability; and

5. The Clerk of Court shall statistically CLOSE this case.

BY THE COURT:

/s/ Stewart Dalzell, J.